IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 19561 of 2001

Between:

1 Kalluri Nadipi Penchaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
2 Chukka Pedda Venkataiah S/o.Venkataiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
3 Chukka Venkateswarly\u S/o.Venkataiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
4 Chukka Chinna Venkataiah S/o.Venkataiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
5 Settinaboina Penchalaiah S/o.Pedda Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
6 Settinaboina Pullaiah S/o.Pedda Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
7 Kukkala Kondaiah S/o.Ankaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
8 Yegu Papaiah S/o.Tirupalu
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
9 Yegu Peda Pullaiah S/o.Tirupalu
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
10 Chapala Kondaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

11 Chapala Sambaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
12 Chapala Krushnaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
13 Yegu Pedda Kondaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
14 Yegu Kondaiah S/o.Pedda Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
15 Yegu Sambaiah S/o.Pedda Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
16 Chapala Sivaiah S/o.Sambaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
17 Eruru Subbarayudu S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
18 Kalluri Prasad S/o.Chinna Penchaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
19 Kalluri China Penchalaiah S/o.Ramaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
20 Yegu Ankaiah S/o.Chinna Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
21 Yegu Chinna Kondaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
22 Beddala Krishnaiah S/o.Peddaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
23 Beddala Pullaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
24 Beddala Kondaiah S/o.Pullaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
25 Beddala Sambaiah S/o.Pullaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

26 Chinthakayala Narasimhulu S/o.Pullaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
27 Sannapureddi Venkateswarlu S/o.Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
28 Bommana Mallem Kondaiah S/o.Ankaiah

R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

29 Bommana Mallaiah S/o Mallem Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

30 Bommana Naraiah S/o.Mallem Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

31 Bommana Kondalrao S/o.Mallem Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

32 Bommana Rajaiah S/o.Mallem Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

33 Bommana Ramanaiah S/o.Mallem Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

34 Bommana Ankaiah S/o.Mallem Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

35 Settinaboina Ankaiah S/o.Subbaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

36 Settinaboina Thirupalu S/o.Chinna Naraiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

37 Settinaboina Kondaiah S/o.Mallem Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

38 Gattupalle Malleswaraiah S/o.Chinna Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

39 Settinaboina Penchalaiah S/o.Pedda Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

40 Settinaboina Peda Narasimhulu S/o.Pedda Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

41 Settinaboina Pedda Penchalaiah S/o.Pedda Narasimhulu @ Venkataiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

42 Pullam Babu S/o.Balavemaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

43 Bommana Ramanaiah S/o.Subbaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

44 Settinaboina Chinna Narasimhulu S/o.Pedda Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

45 Chappala Ramanaiah S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal

Cuddapah Dist.

46 Yegu Kondaiah S/o.Thirupalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

47 Hussain Sab S/o.Badulla
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

48 Bommana Rathbnaiah S/o.Subbaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

49 Kalluru Polaiah S/o.Chinna Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

50 Kalluru Narasimhulu S/o.Chinna Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

51 Yegu Kondaiah S/o.Chinna Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

52 Guduru Narasimhulu S/o.Chinna Pottaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

53 Guduru Narasimhulu S/o.Guduru Sunkaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

54 Pallam Narasimhulu S/o.Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

55 Pallam Chinna Thellaiah S/o.Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

56 Guduru Narasimhulu S/o.Narasaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

57 Guduru Chinna Narasimhulu S/o.Narasaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

58 Yegu Kondaiah W/o.Late Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

59 Settinaboina Kondamma W/o.Late Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

60 Chinthakayala Narasimhulu S/o.Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

61 Thupakula Seenu S/o.Ramaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

62 Yeturu Narasimhulu S/o.Kondaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

63 Chappidi Narayana S/o.Guraiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.
64 Yegu Bujjaiah S/o.Penchalaiah
R/o.Rajupalem Village H/o.Obulam,Gopavaram Mandal
Cuddapah Dist.

..... PETITIONERS

AND

1 The Govt.of A.P Rep,by its Secretary,Irrigation and CAD
Secretariat Buildings Hyderabad.
2 The Chief Engineer (Irrigation) Telugu Ganga Project
Srikalahasthi Chittoor Dist.
3 The Special Collector Telugu Ganga Project
Nellore.
4 The Special Deputy Collector Telugu Ganga Project
Atmakur Nellore Dist.
5 The Dist Collector Cuddapah
Cuddapah Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents for not paying the
ex-gratia, as per G.O.Ms.No.192, Irrigation and CAD (PW-TGP-II(2) Dept, dated-2-12-98 for the petitioners structures, situated in Survey Nos. 1440 and 1443 of Rajupalem Village, H/O Obulam Gopavaram Mandal, Cuddapah Dist. which are being submerged under foreshore watercontour level 300 Mts of Somasila Reservoir in Cuddapah Dist. as illegal, arbitrary, unconstitutional and violative of Art.14,21 of the constitution of India and consequently directthe respondents to pay ex-gratia as per G.O.Ms.No.192, irrigation CAD(PW-TGP-II(2) Dept,
dt.2-12-98 for the petitioners structures situated in Sy.Nos.1440 and 1443 of Rajupalem (V), H/O.Obulam,Gopavaram Mandal,Cuddapah Dist which are being submerged under the foreshore water contour level 300 Mts of Somasila Reservoir in Cuddapah Dist forthwith.

Counsel for the Petitioners: MR.Y.VENKATASATYAM

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

The petitioners seek to issue a Writ of Mandamus declaring the action of the respondents for not paying the ex-gratia as per G.O.Ms.No.192, Irrigation and CAD (PW-TGP-II(2) Department, dated 02.12.1998 for their structures in Survey Nos.1440 and 1443 of Rajuplaem village hamlet fo Obulam Gopalvaram Mandal, Kadapa District which are being submerged under the foreshore
water-contour level 300 Mts. of Somasila reservoir in Kadapa District, as illegal and arbitrary and to direct the respondents to pay ex-gratia for their structures.

It is stated that after filing the counter disputing the averments of the petition, the matter in issue has been enquired into by the Special Deputy Collector (Land Acquisition), Somasila Project, Atmakur and he submitted a report in Rc.B.3/99, dated 26.11.2004 to the Special Collector, Telugu Ganga Project, Nellore stating that the entire Rajupalem village was acquired and compensation was paid to the structure holders and also land owners except the structure holders in Sy.Nos.1440 and 1443.

On a representation of Rajupalem village for acquisition of structures in Sy.Nos.440 and 443 which are liable for submerged under Somasila project, the Special Deputy Collector Land Acquisition, (S.S.P.), Atmakur inspected the structures in the said survey numbers on 29.7.1999 and reported that there are 64 structures existing, out of which 56 are using as residential houses and 8 are vacant at the time of joint inspection. The Executive Engineer, Roads and Buildings, Kadapa vide his reference No. L.A./Gopavaram Madnal/HD/2001, dated 23.07.2001 has reported that all the 64 structures in Sy.Nos.1440 and 1443 are old huts with mud walls and roofing and used as residential huts and also reported that these structures appear to be aged as 20 to 25 years. The Mandal Revenue Officer,Gopavaram also vide his reference Rc.B.74/99, dated 17.12.2001 verified the structures and noted the extents at the time of joint inspection and the pendency of this Writ Petition was also taken note of.

Pursuant to the said representation filed by the said writ petitioners and as per the instructions of Special Collector, Telugu Ganga Project, Nellore in Rc.A2.1626/02, dated 17.03.2004, the Executive Engineer, S.P. Division No.I, Somasila was addressed to send requisition for the structures and accordingly the Executive Engineer, S.P.Division No.1, Somasila has sent requisition of structures in Sy.Nos.1440 and 1443.

It is further stated that the Special Deputy Collector (L.A.) Somasila Project, Atmakur inspected the structures existing in Sy.Nos.1440 and 1443 of Rajupalem village along with the Special Deputy Tahsildar and Special Surveyor and the Mandal Revenue Officer, Gopavaram has issued 64 house site pattas to the

structure holders, all the structures in usage as residential cattle sheds and store rooms to keep the filling equipments etc. The structure holders have erected the structures having plinth area more than the extent of house site pattas issued by the Mandal Revenue Officer, Gopavaram. Accordingly the Special Deptuy Collector (L.A.) Somasila Project, Atmakur requested the Special Collector, Telugu Gagna Project, Nellore to place the proposals before the Chairman, District Empowered Committee i.e. the District Collector, Kadapa for payment of ex-gratia.

In view of the aforesaid facts and circumstances of the case, the Writ Petition is disposed of directing the Special Collector, Telugu Ganga Project, Nellore to pass appropriate orders on the proposals of the Special Deputy Collector (L.A.) Somasila Project, Atmakur vide his Rc.B.3/99, dated 26.11.2004, within six months from the date of receipt of a copy of this order. No costs.

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V. ESWARAIAH, J

Dated:26-04-2005

Ccm

To

1 The Secretary, Irrigation and CAD, the Govt.of A.P,
Secretariat Buildings Hyderabad.
2 The Chief Engineer (Irrigation) Telugu Ganga Project
Srikalahasthi Chittoor Dist.
3 The Special Collector Telugu Ganga Project, Nellore.
4 The Special Deputy Collector Telugu Ganga Project, Atmakur Nellore Dist.
5 The Dist Collector Cuddapah, Cuddapah Dist.

6 Two CCs to the G.P. for Land Acquisition, High Court Buildings, A.P. Hyderabad.

7 Two CD copies.